



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Resolution Confirming the 2005 Annual Report and Levy Assessment for Downtown Lodi Business Improvement Area No. 1

MEETING DATE: October 6, 2004

PREPARED BY: Management Analyst, City Manager's Office

RECOMMENDED ACTION: That the City Council, following the Public Hearing, there being no majority protest, either written or oral presented to the Council, adopt the Resolution confirming the Business Improvement Area No. 1 2004-2005 Annual Report, with exceptions noted by City staff, and thereby levying the assessment as proposed.

BACKGROUND INFORMATION: The Downtown Lodi Business Improvement Area No. 1 2005 Annual Report was presented to the City Council on September 15, 2004. The Council received the Report and established October 6, 2004 as the Public Hearing date during which time the public would have an opportunity to present written or oral protests to the assessment being proposed. The Public Hearing is established pursuant to Section 36535 of the California Streets and Highways Code.

In order for such a protest to be successful, the protest must comply with the provisions of Sections 36524 and 35535 of the California Streets and Highways Code. Protests must be received from the owners of businesses in the improvement area, and must represent fifty percent (50%) or more of those member businesses paying the assessments proposed to be levied. If such a level of protest is not reached, a Resolution should be adopted by the Council confirming the report as originally filed, or as changed by the Council. The adoption of such Resolution constitutes the levy of the assessment for the Business Improvement Area during calendar year 2005.

Three items are noted for Council consideration: 1) The attached budget assumes full funding at the \$47,000 level. It does not reflect the 5% reduction as approved by Council in the City's 2004-05 budget. 2) It assumes an additional \$5000 contribution from the City for the production of Kids Night Out, the 2004 New Years Eve event, and 3) A 5% administrative fee for collections services provided by the City is not included in the attached budget.

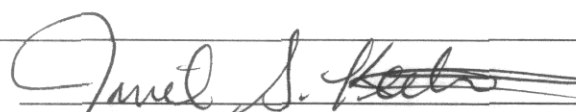
Staff recommends that Council reduce the \$47,000 contribution to \$44,650, eliminate the \$5,000 Kids Night Out sponsorship, and impose a 5% administration fee.

Attached is a copy of the Downtown Lodi Business Improvement Area No. 1 2005 Annual Report.

FUNDING: Not applicable


Janet L. Hamilton
Management Analyst

Attachments
cc: Pam Hayn, DLBP Executive Director
Peter Westbrook, DLBP Board President

APPROVED: 
Janet S. Keeter, Interim City Manager

September 7, 2004

**Ms. Janet Keeter, Interim City Manager
City of Lodi
Lodi, CA 95241**

Dear Janet:

Subject: ANNUAL REPORT 2005

Section 11.0 of the City Ordinance Number 1654, establishing the Downtown Lodi Business Improvement Area, requires that we submit to you in September of each year, our annual report and budget.

In addition, the State of California Streets and Highways code, which is the enabling legislation, also specifies that certain additional information be provided. You will find all of the required information contained in our report.

We have provided you with seven copies----five for the City Council, one for the City Manager, and one for the City Clerk.

**Sincerely,
Board of Directors
Downtown Lodi Business Partnership**

2005 ANNUAL REPORT TO THE CITY OF LODI

Items listed below refer to Section 36533(b) of the California Streets and Highway Code

1. No changes in boundaries of benefit zones within the area are proposed.
2. No physical improvements are planned.
3. Budget for the “Budget year **January 2005 through December 2005** is enclosed.
(Exhibit B)
4. A Benefit Fee Schedule and a Map of the Business Improvement Area are enclosed as Exhibits C & D respectively. There are no changes in the Benefit Fee Schedule.
5. The Budget details all sources of income and projected expenses.

Exhibit A

The Downtown Business Improvement District---is Lodi's core shopping district. Like in any city, the Downtown business community is important to the City's overall health and vitality. Over the past 5 plus years it has become a source of great civic pride and accomplishment as Downtown Lodi is the model for redevelopment throughout the Central Valley and the State.

The City and its business partner's, include the land owners, business owners, investors, merchants, and the Downtown Lodi Business Partnership --have turned things around. Even though we are succeeding.....**we will always be a work in progress.** Business areas that are not in a perpetual mode of change will die.... The DLBP intends to maintain the historical character of the Downtown, while evolving it into **The Community Shopping and Dining Center of Lodi.**

The City basically owns the infrastructure of a large "Community Shopping Center," ---spread out over many blocks, instead of being concentrated in a grouping of buildings similar to the format of a privately owned shopping center. Along with the businesses and merchants---**being represented by the Downtown Lodi Business Partnership (DLBP)**---we work with the City staff to manage the downtown. We establish and administer procedures for use of streets for various activities and events. **The DLBP is your front line management for our Community Shopping Center** working to enhance that infrastructure to be a destination place for all Lodian's and visitors alike.

The **DLBP** has been in existence for over five years. We have created a stronger downtown with teamwork. Our very active board of directors is the main leadership element of the partnership and continues to work effectively to represent and unify the merchants. Along with the Executive Director and staff of the DLBP we have accomplished the following in the last year....

- **Continued the expansion of all events and projects including an expanded Farmers Market, Kiddie Parade, the larger than ever, Parade of Lights, See's Candy Project, Christmas promotions including a cooperative effort on a Santa project with the Fire Department, and a new Halloween kids parade.**
- **Adopted a new Banner program (a two year plan) that was implemented in June 2004 and to be funded solely by DLBP events, sponsorships, donations and other activities.**
- **Collaborated with the Lodi Chamber of Commerce to produce two very successful "School Street Wine Strolls. "**
- **Brought the first ever ice rink to Lodi. Hundreds of young and young at heart flooded downtown for a chance to glide across the glimmering ice.**
- **Our Parking Committee and staff continued to work with City staff on parking management.**

- **Set up an Economic Development Committee to coordinate and interface with the City's overall economic development program. Our Web site www.downtownlodi.com... now has a listing of property owners to aid potential businesses with the availability of lease space in the Downtown.**
- **The Web page for the DLBP also provides the individual Downtown Merchants the opportunity to have their own web page and contains a complete listing of all merchants in the Downtown Area. This service is monitored by the DLBP staff in cooperation with one of our key downtown merchants....Shared Network Services, who has provided this service at no charge to the DLBP.**
- **Developed an area use policy for organizations that want to use the Community Shopping Center streets for events.**
- **Facilitated member concerns and been an advocate on behalf of our merchants.**
- **Held the second annual--Family Faith Festival---which took place in August and drew over 12 thousand people to our Downtown. The event was open to ALL faiths.**
- **Collaborated with the Lodi Visitors & Convention Bureau to make our members aware of this agencies fine work, and their role in supporting Downtown.**

Continued City funding will be crucial to the success of this organization---and will be for some time to come. The Downtown that we have built together will continue to change and grow. We are now in the second phase of development and can look forward to continuing successes.

Our success----in, working together----is just beginning. We thank the **City Council and City Staff** for all of the support that has been provided to the downtown and the DLBP.

We would ask for your patience as we keep in mind the goal of the City and the DLBP is the same.....To have a profitable and thriving downtown.

**WE AGAIN THANK YOU---- FOR YOUR CONTINUED SUPPORT
IN THIS PARTNERSHIP**

Marketing Plan For The Year 2005

Purpose & Goals

Our basic marketing plan is to use the **many events** listed above as the primary tool of showing off our beautiful Downtown area. We will continue to develop **additional events** with our ultimate goal of making **Downtown Lodi the valleys Entertainment Mecca**.

The goal of the 2005 marketing plan is multi faceted, it contains an integrated advertising plan, an outline of the various events, from the ongoing established events, to the **potential** new items, a proposed public relations program, and finally an internal component for marketing to our merchant constituents.

The promotional plan is designed to send the message of Downtown Lodi to established customers in our immediate marketing area, do an outreach to secondary out laying market areas, and to visitors passing through our community. We will continue to use and promote "**Your Community Shopping Center**", "**Downtown Lodi, It's The Place To Be**".

Continue full program of member services in order to assist members with their business and allow them to take advantage of our combined resources. These programs consist of: the newsletter, membership meetings, New business information packages, Parking management/committee, Marketing and promotions committee, Restaurant Committee, and an office staff to serve the membership and the public. We will also continue to serve as an advisory advocate for the membership in dealing with the City of Lodi.

ADVERTISING & PROMOTIONAL TOOLS

NEWSPAPER - We primarily used the Lodi News Sentinel the last two years. We will continue to do so, but with the majority of the advertising being done in a tabloid format. We will do 8 tabs in 2004 and plan 8 tabs in 2005.

In addition we will use the Galt Herald, and The Record on a limited basis for promoting events.

BILLBOARDS - Because this is a prohibitively costly tool for marketing, it will only be used if there is enough interest, on a cooperative basis. Example---if our restaurant and entertainment groups or furniture groups or any combination thereof wanted to participate.

WEBSITE - We will continue to develop and promote our web site to the general public, general membership and community organizations. Linking with various organizations such as the City of Lodi, Lodi News Sentinel and the Chamber of Commerce.

We will also encourage our business members to further develop their own web sites, and hold one or two seminars to assist them with their site development.

BANNERS- The DLBP launched its sponsor a banner program in June 2004. This campaign coincided with the 18 week Farmers Market and will continue to promote seasonal events and activities throughout this year and next through a very innovative and very popular mechanism. Look for New more banners.

BROCHURES - Continue to print and expand on the distribution of our Downtown brochures. These brochures will be available to downtown businesses, the Chamber office, Visitors Bureau, City of Lodi and the DLBP office.

GENERAL MEMBER BUSINESS PROMOTION AND PUBLIC RELATIONS: We will continue to feature business profiles in our tab and encourage the Lodi News Sentinel business editor to do articles about downtown businesses. We will continue to do press releases for new and expanded businesses downtown.

DOWNTOWN DISCOUNT - We have developed a "Downtown Lodi Discount Coupon" to be given primarily by restaurants, but suggested to other merchants as well. The target market will be Lodi, North Stockton, Elk Grove, South Sacramento and the Eastern Foothill areas. Featuring a full-page color ad--using our non profit structure-- we will design, bill and place the advertising once per month.

SHOP LODI PROGRAM - The purpose of this program is to convince consumers to shop Lodi first before going out of town to do their buying.

Shopping locally permits the local businesses to expand and allows them to underwrite community events, support charities, sponsor youth activities and generally help the community from which they derive their well being.

Sales tax is one of the most important sources of funding that pays for the city of Lodi Police, fire, maintenance personnel, street services, and all other city functions. Sales tax for the city of Lodi income needs to be improved.

Shop Lodi goals will be to increase purchases made in Lodi thereby increasing retail sales and sales tax revenue.

The purpose of this program is to educate the public and increase community awareness of the benefits of making their purchases in Lodi.

We will need to enlist the cooperation of the City of Lodi, the Lodi Chamber of Commerce, and the Lodi Visitors and Convention Bureau to promote the Shop Lodi Program.

It is recommended that this program be developed to start in the Fall months---October through December.

- Niche marketing plans----Definition--Niche strategies for Downtown---this marketing concept is valid when you have a group of like businesses that can be marketed as a group. Examples for our downtown are Restaurant group (30+), Furniture (4 major plus several peripheral stores), and entertainment (stadium 12, Movie City, Rosewood, Angelo's, Moo Moo's, Tillie's, Etc)
 - Established a restaurant page in the tab
 - Articles and group ads for furniture
 - Entertainment grouping.

RADIO AND CABLE TV---These two medias will NOT be a part of our NORMAL usage. If budget allows, we will consider using these for special events only. These medias take large advertising budgets to be effective---currently we do not fall into this category.

PORTFOLIO PRESENTATIONS---We are in the process of developing four portfolio presentations---New Member Packets, Visitors & Convention Bureau hand out, City of Lodi Economic Development hand out, and Local Consumers handout.

All portfolios will feature our Downtown Brochure. The local hand out will also contain Downtown Coupons, as will the V&CB hand out. The City hand out will be directed at potential new Downtown businesses and also be used to educated other businesses considering locating into our area.

SEE'S CANDY---We will continue to build on this promotion. In 2002 we had over 18 merchants participate and sold over 2,500 pounds of candy. This program gives existing

customers a reason to make additional trips into our merchants. It also attracts new customers into the Downtown--those not wanting to travel to Stockton or Sacramento to the See's outlets.

We will continue to work on ways to refine and improve this program--by requiring better merchant displays, window postings and individual merchant advertising. It will be an educational process to convince and show the merchants that they should also advertise this service on their own to draw customers into their stores.

EVENTS

Events over the last several years have been the main stay of the marketing program---drawing more than 200,000 people to the Downtown area. We will continue to rely on the existing events, and improve on them.

EXISTING EVENTS

- Farmers Market/Star Search
- Downtown Lodi Live/Family Faith Festival
- Kiddie Parade/expanded parade concept
- Halloween Candy give away---Costume parade
- Parade of Lights
- Italian Festival (NEW)
- October fest 2004 (NEW)
- Christmas Promotion 2004 the Lighting of Downtown Lodi (NEW)

NEW EVENTS—in the planning stage

- October fest 2004 (NEW)—Thurs Friday & Saturday---
- Christmas Promotion 2004 the Lighting of Downtown Lodi (NEW)
- Lodi's Centennial Celebration (2006)

We may from time to time add new events **only if there is a distinct profit potential**

FUTURE GOALS

- Introduce more Downtown Lodi Live events—Make Downtown Lodi the Entertainment Mecca for the valley
- Continue to build a collaborative relationship with the City Council—Keep our Partnership focused and fresh
- **Create a Blue Print/plan for the future so that the DLBP can work with Big Boxes and after the November election work with Big Box Representatives to voluntarily join the assessment district and support revitalization.**
- Develop more collaborative events with organizations such as the Lodi Visitors and Convention Bureau, Lodi Chamber of Commerce, The Boys & Girls Club, Lodi House, and similar organizations
- Continue with the new Banner program (no more than a two year plan to include seasonal banners) beginning in June the DLBP created a sponsor a banner program that allowed us to purchase new banners for the Downtown district for the Farmers Market. Funded solely by DLBP events, sponsorships, donations and other activities.
- *Review and update the Assessment Fee Schedule by for the assessment year of 2005 to better reflect the membership benefits and an equitable fee structure*
- Expand the boundaries of the Business Improvement District by 2005/2006
- Outreach to the general community, and expand major corporate sponsorship interest in events and other participation in the “Community Shopping Center”
- Expand our volunteer base for the Downtown Events by reaching into the community
- Develop additional strategies with the City Staff for better programs in the following areas----directional signage for the Downtown, creative parking solutions, Economic Development, management and commercial use of the new parking structure, and billing/collections

MISSION STATEMENT

DOWNTOWN LODI BUSINESS PARTNERSHIP

The Downtown Lodi Business Partnership is a non-profit corporation, comprised of businesses that make up the Downtown business community. The main goal is to encourage growth and prosperity in the Downtown Community Shopping Center of Lodi and to maintain its economic health on an ongoing basis. This will be accomplished by;

- Encouraging development of new businesses while retaining and revitalizing existing businesses
- Promoting retail activity by creating and maintaining a quality environment through coordinated advertising and Downtown events
- Serving as an advocate for Downtown businesses in dealing with local government, maintenance projects, the media and the general public

September 2004

Downtown Lodi Business Partnership
Proposed Budget
January 1, 2005 through December 31, 2005

Proposed Budget 2005

Ordinary Income/Expense

Income

3500 - Income Accounts

Assessments	34,500.00
Booth Rental	21,500.00
City of Lodi Funds	52,500.00
Float Entry	8,000.00
Food Vendor	8,500.00
Sales-Beer & Wine	10,000.00
Sales-Misc.	1,000.00
See's Candy	18,000.00
Sponsorship	25,000.00
Ticket Sales	10,000.00

Total 3500 - Income Accounts	189,000.00
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Total Income	189,000.00
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Cost of Goods Sold

Cost of Goods Sold

See's candy	11,000.00
Beer & Wine	4,500.00
Misc, sales	1,000.00

Total COGS	16,500.00
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Gross Profit	172,500.00
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Expense

6000 - Advertising

Newspaper	10,000.00
Posters/Banners/Signs	10,000.00
6000 - Advertising - Other	3,000.00

Total 6000 - Advertising	23,000.00
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6001 - Bank Service Charges	300.00
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Downtown Lodi Business Partnership
Proposed Budget
January 1, 2005 through December 31, 2005

	<u>Proposed Budget 2005</u>
6002 • Contributions	0.00
6003 • Dues & Subscriptions	300.00
6004 • Credit Card Fees	400.00
6010 • Event Expense	
Entertainment-Event	3,000.00
Food & Drink-Event	2,000.00
Games-Event	1,000.00
Christmas-Event	5,000.00
Labor-Event	3,000.00
Promotions-Event	1,000.00
Rentals-Event	1,500.00
Sanitation-Event	2,500.00
Set Up-Event	0.00
Supplies Misc.-Event	1,500.00
6010 • Event Expense - Other (New Year)	10,000.00
Total 6010 • Event Expense	30,500.00
6170 • Holiday Decorations/Events/Lights	8,000.00
6180 • Insurance	
Liability Insurance	7,000.00
Work Comp	2,000.00
6180 • Insurance - Other (Medical)	2,000.00
Total 6180 • Insurance	11,000.00
6200 • Janitorial	0.00
6201 • Kiosk Updates	1,000.00
6230 • Licenses/Permits/Inspections	2,500.00
6235 • Office Supplies	5,000.00
6250 • Postage and Delivery	2,000.00
Total 6270 • Professional Fees	10,500.00
Total •	
Accounting	700.00
Bookkeeping	900.00
Coordinators/Planners	1,500.00
CDA Conference	1,500.00

1:59 PM
04/07/03
Cash Basis

Downtown Lodi Business Partnership
Proposed Budget
January 1, 2005 through December 31, 2005

	<u>Proposed Budget 2005</u>
6270 · Professional Fees - Other	500.00
Total 6270 · Professional Fees	5,100.00
6290 · Rent	5,040.00
6300 · Repairs	
6320 · Computer Repairs/service	400.00
6300 · Repairs - Other	200.00
Total 6300 · Repairs	600.00
6340 · Telephone	
Internet	600.00
6340 · Telephone - Other	1,000.00
Total 6340 · Telephone	1,600.00
6395 · Map & Directory Brochures	6,000.00
6396 · Meals & Entertainment	300.00
6398 · Meetings	450.00
6399 · Mileage	1,000.00
6400 · Miscellaneous	500.00
6560 · Wages (Full and Part Time)	65,000.00
6570 · Returned check	0.00
6820 · Taxes	3,000.00
Federal	
Local	
State	
Total 6820 · Taxes	3,000.00
Total Expense	172,590.00
Net Ordinary Income	-90.00
Other Income/Expense	
Other Income	160.75
Other Expense	54.91
Net Other Income	105.84

1:59 PM
04/07/03
Cash Basis

Downtown Lodi Business Partnership
Proposed Budget
January 1, 2005 through December 31, 2005

Proposed Budget 2005

Net Income

15.84

EXHIBIT C
Downtown Lodi Business Partnership
Benefit Fee Schedule

	ZONE A	ZONE B
Retailers and Restaurants	\$200. (1-3 emp.) \$300. (4-6 emp.) \$400. (7 + emp.)	\$100. \$150. \$200.
Service Businesses	\$150.	\$ 75.
Professional Business	\$100.	\$ 50.
Financial Institutions	\$500.	\$500.

Note: Retail and restaurant businesses will be charged on size which will be determined by the number of employees, either full-time or the equivalent made up of multiples of part-time employees.

Business type definitions:

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, lodging, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Professional Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.

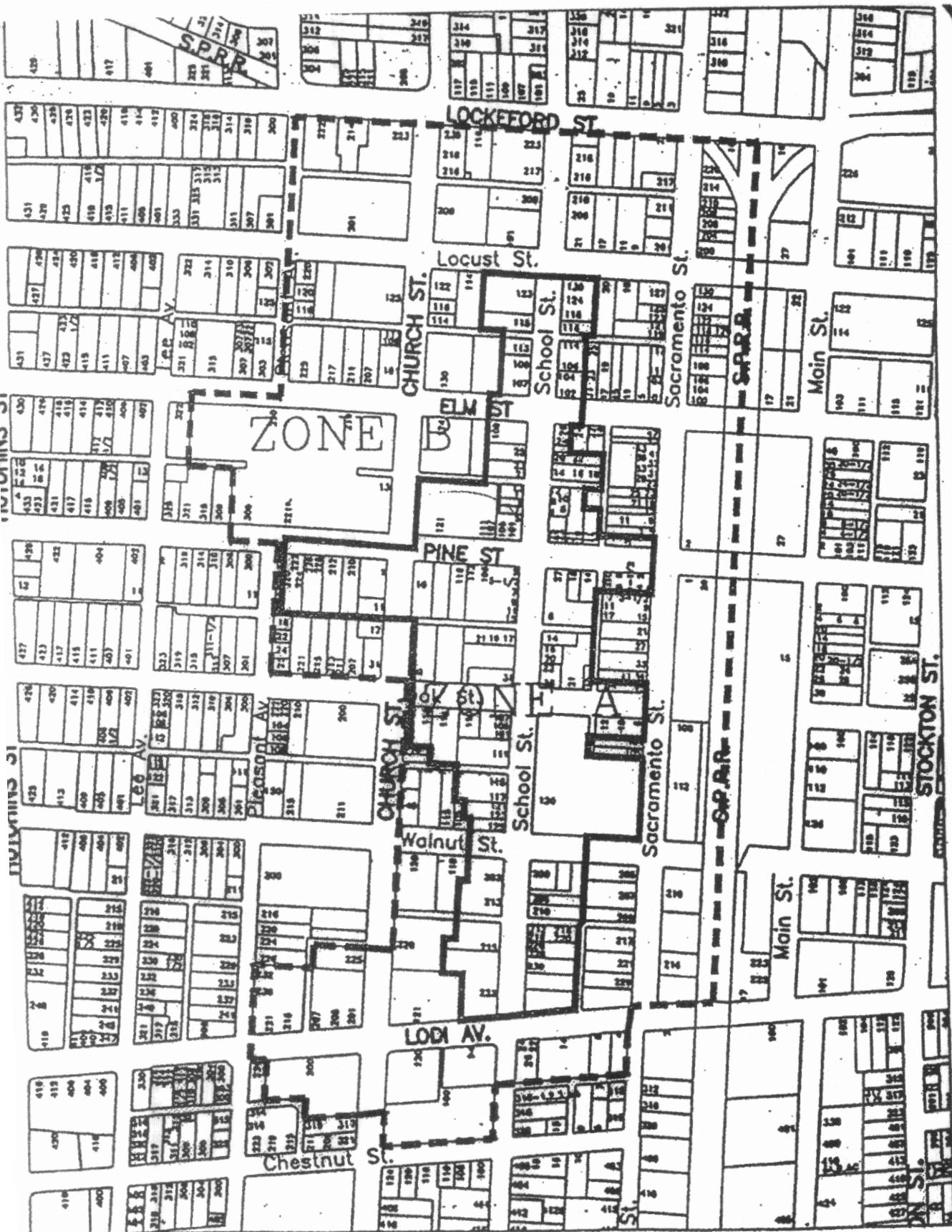


EXHIBIT D
DOWNTOWN LODI BUSINESS PARTNERSHIP
BUSINESS IMPROVEMENT AREA MAP

RESOLUTION NO. 2004-207

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2005 ANNUAL REPORT FOR THE
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1
AND LEVY OF ASSESSMENT

=====

WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997, by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report, as required by Streets and Highways Code §36533, has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §36524 on October 6, 2004, in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or as soon thereafter as possible, to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets and Highways Code §36525 was not made.
- 3) The 2005 Annual Report as submitted on September 15, 2004, by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed, with the following two exceptions:
 - Reduce the \$47,000 contribution from the City to \$44,650; and
 - Eliminate the \$5,000 Kids' Night Out sponsorship.
- 4) The confirmation of the report and adoption of this resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2005.

Dated: October 6, 2004

=====

I hereby certify that Resolution No. 2004-207 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 6, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, and Howard

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Land and Mayor Hansen

ABSTAIN: COUNCIL MEMBERS – None

A handwritten signature in black ink, appearing to read "Susan J. Blackston", with a stylized flourish at the end.

SUSAN J. BLACKSTON
City Clerk

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

September 18th

all in the year 2004.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 18th day of September, 2004

Susan J. Blackston

Signature

This space is for the County Clerk's Filing Stamp

REC'D

SEP 24 2004

CITY CLERK
CITY OF LODI

Proof of Publication of

Notice of Public Hearing
City of Lodi

Resolution Number 2004-188

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-188
A RESOLUTION OF INTENTION TO LEVY
ANNUAL ASSESSMENT FOR DOWN-
TOWN LODI BUSINESS IMPROVEMENT
AREA NO. 1, ESTABLISHING PUBLIC
HEARING DATE, AND RECEIVING ANNU-
AL REPORT

WHEREAS, Downtown Lodi Business
Improvement Area No. 1 was established
December 17, 1997, by Council adoption of
Ordinance No. 1654; and

WHEREAS, the Annual Report as
required by Streets and Highways Code
§36533 has been submitted to the Council
by the Board of Directors of said improve-
ment area.

NOW, THEREFORE, the City Council of
the City of Lodi does hereby resolve, deter-
mine, and find as follows:

1. Received the Annual Report as submit-
ted, said Report being on file with the City
Clerk.

2. Establishes October 6, 2004, in the City
Council Chambers, at Carnegie Forum, 305
West Pine Street, Lodi, California, at 7:00
p.m., or soon thereafter as possible, as the
date, place, and time to hold the public hear-
ing required by Streets and Highway Code
§36534.

3. It is the intention of the City Council to
levy and collect assessments within the
parking and business improvement area for
calendar year 2005 (the Area's fiscal year).

4. The boundaries of the entire area to be
included in the Area and the boundaries of
each separate benefit zone within the area
are set forth in the Map, Exhibit A, incorpo-
rated herein by reference. A true and correct
copy of the map is on file with the City Clerk
of the City of Lodi.

5. The types of improvements and activi-
ties proposed to be funded by the levy of
assessments on business in the Area are in
Exhibit B hereto and incorporated by refer-
ence.

6. At the time of the public hearing, written
and oral protests may be made. The form
and manner of protests shall comply with
Streets and Highways Code §§36524 and
36525.

INFORMATION REGARDING THIS MAT-
TER (including Exhibits A & B) MAY BE
OBTAINED IN THE OFFICE OF THE CITY
CLERK, 221 W. PINE ST., LODI.

ANYONE WISHING TO BE HEARD ON
THE ISSUE MAY APPEAR BEFORE THE
CITY COUNCIL AT THE TIME OF THE
PUBLIC HEARING. WRITTEN STATE-
MENTS MAY BE FILED WITH THE CITY
CLERK, 221 W. PINE ST., 2ND FLOOR,
LODI, AT ANY TIME PRIOR TO THE
HEARING SCHEDULED HEREIN, AND
ORAL STATEMENTS MAY BE MADE AT
SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY
COUNCIL ARE CONDUCTED IN ENG-
LISH. THE CITY OF LODI DOES NOT
FURNISH INTERPRETERS, AND, IF ONE
IS NEEDED, IT SHALL BE THE RESPON-
SIBILITY OF THE PERSON NEEDING
ONE.

IF YOU CHALLENGE THE PROPOSED
ACTION IN COURT, YOU MAY BE LIMITED
TO RAISING ONLY THOSE ISSUES YOU
OR SOMEONE ELSE RAISED AT THE
PUBLIC HEARING DESCRIBED IN THIS
NOTICE, OR IN WRITTEN CORRESPON-
DENCE DELIVERED TO THE CITY
CLERK/CITY COUNCIL AT, OR PRIOR TO,
THE PUBLIC HEARING.

Dated: September 18, 2004
SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI
September 18, 2004



DECLARATION OF POSTING

CONFIRMING THE REPORT AND INTENT TO LEVY ANNUAL ASSESSMENT - DLBP

On Thursday, September 16, 2004, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider confirming the Report and Intent to Levy Annual Assessment (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

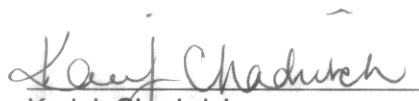
I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk


Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-188
A RESOLUTION OF INTENTION TO LEVY ANNUAL
ASSESSMENT FOR DOWNTOWN LODI BUSINESS
IMPROVEMENT AREA NO. 1, ESTABLISHING PUBLIC
HEARING DATE, AND RECEIVING ANNUAL REPORT

=====

WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997, by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36533 has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. Received the Annual Report as submitted, said Report being on file with the City Clerk.
2. Establishes October 6, 2004, in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the parking and business improvement area for calendar year 2005 (the Area's fiscal year).
4. The boundaries of the entire area to be included in the Area and the boundaries of each separate benefit zone within the area are set forth in the Map, Exhibit A, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.
5. The types of improvements and activities proposed to be funded by the levy of assessments on business in the Area are in Exhibit B hereto and incorporated by reference.
6. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code §§36524 and 36525.

INFORMATION REGARDING THIS MATTER (including Exhibits A & B) MAY BE OBTAINED IN THE OFFICE OF THE CITY CLERK, 221 W. PINE ST., LODI.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Dated: September 18, 2004
SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI

G-1
RECEIVED

OCT 05 2004

City Clerk
City of Lodi

City of Lodi
City Clerk

Re: Proposed DLBP Assessment Administrative Fee.

I wish to register my protest regarding the proposed "five percent administrative fee" concerning DLBP and the annual assessments.


The right to collect the assessment fee is granted by California Streets and Highways Code Section 3600. Copy attached.

Section 36527 states "the city council shall adopt an ordinance to that effect. The ordinance shall contain all of the following, including; Sub-Section (j)" "The time and manner of collecting the assessments." Copy attached.

The city established, under Title 12, City Code 12.06.090, Collection of benefit fee which, in part, states "the city will bill and collect the fees, at no charge to the area, and forward all funds collected to the area within thirty days of such collection".

The proposed five percent fee will violate this code.

In addition, the fees collected are to be used only as outlined in Streets and Highways Code 3600, (a) through (e), copy attached. There is no allowance for any administrative fee to be charged and deducted from the assessments. The city cannot create a city code contrary to the state code.


Tim Vallem
Old Town Antiques
121 S. School Street
Lodi
September 23, 2004

<input checked="" type="checkbox"/> CC	<input type="checkbox"/> HR
<input checked="" type="checkbox"/> CM	<input type="checkbox"/> IS
<input checked="" type="checkbox"/> CA	<input type="checkbox"/> LIB
<input type="checkbox"/> CD	<input type="checkbox"/> PR
<input type="checkbox"/> EUD	<input type="checkbox"/> PD
<input type="checkbox"/> FIN	<input type="checkbox"/> PW
<input type="checkbox"/> FD	<input type="checkbox"/> COM

CALIFORNIA CODES
STREETS AND **HIGHWAYS CODE**
SECTION 36000-36004

36000. The purpose of this part is to authorize cities to impose a tax on businesses within a parking and business improvement area which is in addition to the general business license tax, if any, in the city, and to use such proceeds for the following purposes:

- (a) The acquisition, construction or maintenance of parking facilities for the benefit of the area.
- (b) Decoration of any public place in the area.
- (c) Promotion of public events which are to take place on or in public places in the area.
- (d) Furnishing of music in any public place in the area.
- (e) The general promotion of retail trade activities in the area.

36001. "Parking and business improvement area" or "area" as used in this part means an area designated as provided in this part.

36002. "Business" as used in this part means all types of business, including professions.

36003. The city council shall have **sole discretion** as to how the revenue derived from the tax is to be used within the scope of the above purposes; however, the city council may appoint existing advisory boards or commissions to make recommendations as to its use, or the council may create a new advisory board or commission for the purpose.

36004. This part is intended to be construed liberally and in the event any provision thereof should be held invalid, the remaining provisions shall remain in full force and effect.

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN,
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

JANET S. KEETER
Interim City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

October 7, 2004

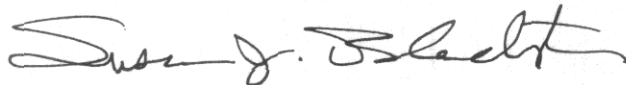
Downtown Lodi Business Partnership
Attention: Pamela Hayn, Executive Director
P.O. Box 1565
Lodi, CA 95241

**RE: RESOLUTION CONFIRMING THE 2005 ANNUAL REPORT FOR THE
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND LEVY
OF ASSESSMENT**

The Lodi City Council, at its meeting on October 6, 2004, adopted the enclosed resolution confirming the 2005 Annual Report for the Downtown Lodi Business Improvement Area No. 1 and levy of assessment.

Should you have any questions, please feel free to contact my office.

Sincerely,



Susan J. Blackston
City Clerk

JMP

Enclosure